

## REMARKS

This Amendment is being filed concurrently with a Request for Continued Examination and in response to the Final Office Action dated March 29, 2006. Claims 1, 7, 15, 16 and 18 have been amended. Claims 19 through 22 have been previously cancelled. Claims 12 through 14 are currently cancelled as a result of non-election following a Restriction Requirement. The application now includes claims 1 through 11 and 15 through 18, with claims 1, 15 and 16 being independent claims. Favorable reconsideration of the application, as amended, is respectfully requested.

In the Final Office Action, the Examiner rejected independent claim 15 under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,031,873 to Rau. The Examiner stated that the Rau reference discloses a mounting device for securing a control unit (engine) comprising an outer supporting structure (40) formed from a non-resilient material and having a first end that is adapted to be attached to a vehicle. The Examiner also stated that the Rau reference discloses an inner structure (20) that has a threaded portion adapted to be received in a corresponding threaded bore formed in the control unit. Finally, the Examiner stated that the Rau reference discloses a layer of resilient material that is disposed between the first and second supporting structures.

Applicants have amended independent claim 15 to recite an outer supporting structure formed from a non-resilient material that has an outer threaded portion formed integrally therewith and extending therefrom that is adapted to be attached to a vehicle. Applicants also have amended the claim to recite an inner supporting structure that has a threaded inner portion formed integrally therewith and extending therefrom that is adapted to be received in a corresponding threaded bore formed in the control unit. While the Rau reference does appear to disclose a threaded portion 22 that is formed integrally with a first supporting structure 20 and extending therefrom, the reference does not show a similar threaded portion formed integrally with a second supporting structure 40 and extending therefrom. Instead, the Rau reference clearly shows, in Fig. 1, a bolt 42 extending through an aperture that is formed through a second supporting structure 40. Nothing in the Rau reference shows or suggests threaded portions formed integrally and extending from both inner and

outer supporting structures, as recited in amended independent claim 15. Indeed, by teaching a bolt extending through an aperture, applicants believe that the Rau reference actually teaches away from the structure recited in amended independent claim 15. Accordingly, applicants believe that amended claim 15 is not anticipated by the Rau reference and respectfully request that the Examiner withdraw his rejection of the claim.

In the Final Office Action, the Examiner also rejected claims 16 through 18 under 35 U.S.C. §102(b) as being anticipated by US Patent No. 4,303,376 to Siekmann. Regarding independent claim 16, the Examiner stated that the Siekmann reference disclosed a one-piece outer supporting structure (61) formed from a non-resilient material that is adapted to be attached to a device. The Examiner also stated that the Siekmann reference disclosed a layer of resilient material (64) disposed within and attached to the outer structure. The Examiner further stated that the Siekmann reference disclosed an electronic control unit (11 and 12) for controlling a system disposed in proximity to the layer of resilient material with the layer of resilient material forming an insulative barrier that separates the outer supporting structure from the electronic control unit to prevent any direct contact therebetween whereby the resilient material absorbs noise and vibrations.

Independent claim 16 is intended to recite the structure of the embodiment of the invention illustrated in either Fig. 2 or Fig. 4. As clearly shown in both Figs. 2 and 4, a layer of resilient material labeled 22 and 54, respectively, is disposed between an electronic control unit 14 and a corresponding supporting structure labeled 24 and 52, respectively. Accordingly, applicants have amended independent claim 16 to recite a layer of resilient material forming an insulative barrier that separates an outer supporting structure from an electronic control unit to prevent any direct contact between the outer supporting structure and the electronic control unit whereby the resilient material absorbs noise and vibrations. A careful examination of Fig. 5a in the Siekmann reference reveals that an annular housing 59 formed upon a controller 12 directly contacts a cavity housing 60 of a cassette 11. Thus, the layer of resilient material 64 in the Siekmann reference does not separate the components, as recited in

amended independent claim 16. Indeed, by teaching direct contact between the components, applicants believe that the Siekmann reference actually teaches away from the structure recited in amended independent claim 16. Therefore, applicants do not believe that amended independent claim 16 is anticipated by the Siekmann reference and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claim 17, the Examiner stated that the Siekmann reference also discloses an inner supporting structure (22) formed from a non-resilient material that is attached to a surface of the layer of resilient material that is opposite from the outer supporting structure, as recited in the claim. However, a careful examination of Figs. 1a and 2 in the Siekmann reference reveals that the layer of resilient material (64) is attached to the inside of a clamping strap (61), not a surface of the cassette (22). Indeed, when the clamping strap (61) is rotated to an open position, as illustrated in Fig. 1a of the reference, the resilient material (64) is separated from the surface of the cassette (22). Therefore, applicants believe that the Siekmann reference actually teaches away from the structure recited in claim 17. Accordingly, applicants believe that claim 17 is not anticipated by the Siekmann reference and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claim 18, the claim is dependent upon amended base claim 16 and intermediate claim 17. Accordingly, claim 18 includes all of the limitations recited in claims 16 and 17. Accordingly, applicants do not believe that claim 18 is anticipated by the Siekmann reference and respectfully request that the Examiner withdraw his rejection of the claim.

In the Final Office Action, the Examiner further rejected claims 1 through 11 under 35 U.S.C. §103(a) as being unpatentable over JP 403132464. Regarding independent claim 1, the Examiner stated that the '464 reference disclosed all of the limitations recited in claim 1 except for a one piece outer structure. The Examiner then concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer structure of the '464 reference into an integral one piece structure.

Independent claim 1 is intended to recite the structure of the embodiment of the invention illustrated in Fig. 4. As clearly shown in Fig. 4, a layer of resilient material labeled 54 is disposed in a generally uniform manner across a supporting structure 52 and between an electronic control unit 14 and the supporting structure. Accordingly, applicants have amended independent claim 1 to recite a layer of resilient material disposed within and attached to an outer structure with the resilient material covering substantially the entire surface of said supporting structure that is adjacent to the control unit. Amended independent claim 1 also recites that the resilient material is adapted to be placed in proximity to the control unit whereby the resilient material absorbs noise and vibrations. The Abstract of the '464 reference states that:

This rubber mount 3 is formed by joining a bracket 4 on the car body side with another bracket 5 on the actuator side, *with a wide and thin rubber member 6 interposed* (Emphasis Added).

The '464 reference Abstract further states that because of the shape of the rubber member:

...the actuator 2 is borne rigidly with the compression force of the rubber 6 in the fore and aft direction X of the car and is supported rigidly with large width of rubber 6 in the left and right direction Y of the car, and supported softly with large thickness of rubber 6 in the vertical direction Z of the car.

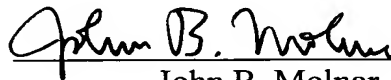
Thus, applicants believe that the '464 reference teaches a wide and thin rubber member that provides different damping effects as a function of the vehicle axes. Furthermore, nothing in the '464 reference shows or suggests a layer of resilient material disposed within and attached to an outer structure with the resilient material covering substantially the entire surface of said supporting structure that is adjacent to the control unit as recited in amended independent claim 1. Indeed, applicants believe that the wide and thin rubber member disclosed in the '464 reference actually teaches away from the structure recited in amended independent claim 1. Applicants also believe that any expansion of the size of the rubber member in the '464 reference to

substantially cover the entire surface of the supporting structure that is adjacent to the control unit would destroy the desired different damping effects provided by the mounting. Accordingly, applicants believe that amended independent claim 1 is patentable over the '464 reference and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claims 2 through 11, the claims are dependent upon amended independent claim 1 and include all of the limitations recited therein. Accordingly, applicants also believe that claims 2 through 11 also are patentable over the '464 reference and respectfully request that the Examiner withdraw his rejection of the claims.

In view of the amendments and above remarks, it is believed that the application is now in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "John B. Molnar", is written over a horizontal line.

John B. Molnar  
Reg. No. 31,914

MacMillan, Sobanski & Todd, LLC  
One Maritime Plaza, Fifth Floor  
720 Water Street  
Toledo, Ohio 43604  
(419) 255-5900